As Reported by the Senate Agriculture Committee

130th General Assembly Regular Session 2013-2014

Sub. S. B. No. 116

Senator Kearney

Cosponsors: Senators Brown, Seitz

A BILL

То	amend section 4301.62 and to enact section 4301.82	1
	of the Revised Code and to amend Section 257.50 of	2
	Am. Sub. H.B. 59 of the 130th General Assembly and	3
	Section 257.10 of Am. Sub. H.B. 59 of the 130th	4
	General Assembly, as subsequently amended, to	5
	allow municipal corporations and townships with a	6
	population of more than 35,000 to create outdoor	7
	refreshment areas, to exempt persons within such	8
	an area from the open container law, to create the	9
	Outdoor Refreshment Area Study Committee, and to	10
	make an appropriation.	11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4301.62 be amended and section	12
4301.82 of the Revised Code be enacted to read as follows:	13
Sec. 4301.62. (A) As used in this section:	14
(1) "Chauffeured limousine" means a vehicle registered under	15
section 4503.24 of the Revised Code.	16
(2) "Street," "highway," and "motor vehicle" have the same	17
meanings as in section 4511.01 of the Revised Code.	18

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(B) No person shall have in the person's possession an opened	19
container of beer or intoxicating liquor in any of the following	20
circumstances:	21
(1) Except as provided in division (C)(1)(e) of this section,	22
in an agency store;	23
(2) Except as provided in division (C) of this section, on	24
the premises of the holder of any permit issued by the division of	25
liquor control;	26
(3) In any other public place;	27
(4) Except as provided in division (D) or (E) of this	28
section, while operating or being a passenger in or on a motor	29
vehicle on any street, highway, or other public or private	30
property open to the public for purposes of vehicular travel or	31
parking;	32
(5) Except as provided in division (D) or (E) of this	33
section, while being in or on a stationary motor vehicle on any	34
street, highway, or other public or private property open to the	35
public for purposes of vehicular travel or parking.	36
(C)(1) A person may have in the person's possession an opened	37
container of any of the following:	38
(a) Beer or intoxicating liquor that has been lawfully	39
purchased for consumption on the premises where bought from the	40
holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a,	41
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j,	42
D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or	43
F-8 permit;	44
(b) Beer, wine, or mixed beverages served for consumption on	45
the premises by the holder of an F-3 permit or wine served for	46
consumption on the premises by the holder of an F-4 or F-6 permit;	47

(c) Beer or intoxicating liquor consumed on the premises of a

(ii) "Outdoor performing arts center" means an outdoor 80 performing arts center that is located on not less than one 81 hundred fifty acres of land and that is open for performances from 82 the first day of April to the last day of October of each year. 83 (4) A person may have in the person's possession an opened or 84 unopened container of beer or intoxicating liquor at an outdoor 85 location at which the person is attending an orchestral 86 performance as defined in division (C)(3)(b)(i) of this section if 87 the person with supervision and control over the performance 88 grants permission for the possession and consumption of beer or 89 intoxicating liquor in certain predesignated areas of that outdoor 90 location. 91 (5) A person may have in the person's possession on an F-9 92 liquor permit premises an opened or unopened container of beer or 93 intoxicating liquor that was not purchased from the holder of the 94 F-9 permit if the person is attending an orchestral performance 95 and the holder of the F-9 permit grants permission for the 96 possession and consumption of beer or intoxicating liquor in 97 certain predesignated areas of the premises during the period for 98 which the F-9 permit is issued. 99 As used in division (C)(5) of this section, "orchestral 100 performance" has the same meaning as in division (C)(3)(b) of this 101 section. 102 (6)(a) A person may have in the person's possession on the 103 property of an outdoor motorsports facility an opened or unopened 104 container of beer or intoxicating liquor that was not purchased 105 from the owner of the facility if both of the following apply: 106 (i) The person is attending a racing event at the facility; 107 and 108 (ii) The owner of the facility grants permission for the 109

possession and consumption of beer or intoxicating liquor on the

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property of the facility.	111
(b) As used in division (C)(6)(a) of this section:	112
(i) "Racing event" means a motor vehicle racing event	113
sanctioned by one or more motor racing sanctioning organizations.	114
(ii) "Outdoor motorsports facility" means an outdoor	115
racetrack to which all of the following apply:	116
(I) It is two and four-tenths miles or more in length.	117
(II) It is located on two hundred acres or more of land.	118
(III) The primary business of the owner of the facility is	119
the hosting and promoting of racing events.	120
(IV) The holder of a D-1, D-2, or D-3 permit is located on	121
the property of the facility.	122
(7) A person may have in the person's possession an opened	123
container of beer or intoxicating liquor at an outdoor location	124
within an outdoor refreshment area created under section 4301.82	125
of the Revised Code if the opened container of beer or	126
intoxicating liquor was purchased from a qualified permit holder	127
to which both of the following apply:	128
(a) The permit holder's premises is located within the	129
outdoor refreshment area.	130
(b) The permit held by the permit holder has an outdoor	131
refreshment area designation.	132
Notwithstanding division (C)(7) of this section, no person	133
shall enter the premises of an establishment within an outdoor	134
refreshment area while possessing an opened container of beer or	135
intoxicating liquor acquired elsewhere.	136
(D) This section does not apply to a person who pays all or a	137
portion of the fee imposed for the use of a chauffeured limousine	138
pursuant to a prearranged contract, or the guest of the person,	139

For purposes of this section, the population of a municipal

corporation or township is deemed to be the population shown by

refreshment area.

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of liquor control notice of any safety requirements established or	264
modified under this division.	265
(G) Section 4399.18 of the Revised Code applies to a liquor	266
permit holder located within an outdoor refreshment area in the	267
same manner as if the liquor permit holder were not located in an	268
outdoor refreshment area.	269
(H)(1) Five years after the date of creation of an outdoor	270
refreshment area, the legislative authority of the municipal	271
corporation or township that created the area under this section	272
shall review the operation of the area and shall, by ordinance or	273
resolution, either approve the continued operation of the area or	274
dissolve the area. Prior to adopting the ordinance or resolution,	275
the legislative authority shall give notice of its proposed action	276
by publication once a week for two consecutive weeks in one	277
newspaper of general circulation in the municipal corporation or	278
township or as provided in section 7.16 of the Revised Code.	279
If the legislative authority dissolves the outdoor	280
refreshment area, the outdoor refreshment area ceases to exist.	281
The legislative authority then shall provide notice of its action	282
to the division of liquor control and the division shall revoke	283
all outdoor refreshment area designations issued to qualified	284
permit holders within the dissolved area. If the legislative	285
authority approves the continued operation of the outdoor	286
refreshment area, the area continues in operation.	287
(2) Five years after the approval of the continued operation	288
of an outdoor refreshment area under division (H)(1) of this	289
section, the legislative authority shall conduct a review in the	290
same manner as provided in division (H)(1) of this section. The	291
legislative authority also shall conduct such a review five years	292
after any subsequent approval of continued operation under	293
division (H)(2) of this section.	294

(I) At any time, the legislative authority of a municipal	295
corporation or township in which an outdoor refreshment area is	296
located may, by ordinance or resolution, dissolve all or a part of	297
the outdoor refreshment area. Prior to adopting the resolution or	298
ordinance, the legislative authority shall give notice of its	299
proposed action by publication once a week for two consecutive	300
weeks in one newspaper of general circulation in the municipal	301
corporation or township or as provided in section 7.16 of the	302
Revised Code. If the legislative authority dissolves all or part	303
of an outdoor refreshment area, the area designated in the	304
ordinance or resolution no longer constitutes an outdoor	305
refreshment area. The legislative authority shall provide notice	306
of its actions to the division of liquor control. Upon receipt of	307
the notice, the division shall revoke all outdoor refreshment area	308
designations issued to qualified permit holders within the	309
dissolved area or portion of the area.	310
Section 2. That existing section 4301.62 of the Revised Code	311
is hereby repealed.	312
Section 3. (A) There is hereby created the Outdoor	313
Refreshment Area Study Committee. The Committee shall consist of	314
the following seven members who shall be appointed not later than	315
five days after the effective date of this section:	316
(1) Two members of the Senate, one of whom shall be a member	317
of the majority party and one of whom shall be a member of the	318
minority party, both appointed by the President of the Senate;	319
(2) Two members of the House of Representatives, one of whom	320
shall be a member of the majority party and one of whom shall be a	321
member of the minority party, both appointed by the Speaker of the	322
House of Representatives;	323
(3) One county commissioner, appointed by the President of	324

the Senate;	325
(4) One representative of a municipal corporation, or	326
township, with a population of thirty-five thousand or less,	327
appointed by the Speaker of the House of Representatives;	328
(5) One representative of the Division of Liquor Control,	329
appointed by the Governor.	330
(B) The Committee first shall meet not later than ten days	331
after the effective date of this section at the call of the	332
President of the Senate. At the first meeting, the Committee shall	333
select a chairperson and vice-chairperson from among its members.	334
Thereafter, the Committee shall meet at the call of its	335
chairperson as necessary to carry out its duties. Members of the	336
Committee are not entitled to compensation for serving on the	337
Committee, but may continue to receive the compensation and	338
benefits accruing from their regular offices or employments.	339
(C) The Committee shall study the utility and viability of	340
allowing municipal corporations or townships that have a	341
population of thirty-five thousand or less to create an outdoor	342
refreshment area under section 4301.82 of the Revised Code, as	343
enacted by this act. Not later than May 1, 2015, the Study	344
Committee shall issue a report of its findings and recommendations	345
to the President of the Senate, the Minority Leader of the Senate,	346
the Speaker of the House of Representatives, and the Minority	347
Leader of the House of Representatives. After submitting the	348
report, the Study Committee shall cease to exist.	349
Section 4. That Section 257.50 of Am. Sub. H.B. 59 of the	350
130th General Assembly be amended to read as follows:	351
Sec. 257.50. BUSINESS ASSISTANCE PROGRAMS	352
The foregoing appropriation item 195649, Business Assistance	353
Programs, shall be used for administrative expenses associated	354

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Director of Development Services may request that the Director of

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Budget and Management reappropriate any unexpended, unencumbered	416
balance of the prior fiscal year's appropriation to the foregoing	417
appropriation item 195526, Incumbent Workforce Training Vouchers,	418
for fiscal year 2015. The Director of Budget and Management may	419
request additional information necessary for evaluating the	420
request, and the Director of Development Services shall provide	421
the requested information to the Director of Budget and	422
Management. Based on the information provided by the Director of	423
Development Services, the Director of Budget and Management shall	424
determine the amount to be reappropriated, and those amounts are	425
hereby reappropriated for fiscal year 2015.	426

DEFENSE DEVELOPMENT ASSISTANCE

The Director of Budget and Management shall transfer up to 428 \$5,000,000 in cash in each fiscal year from the Economic 429 Development Programs Fund (Fund 5JC0) used by the Board of Regents 430 to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used 431 by the Development Services Agency. The transferred funds shall be 432 used for appropriation item 195622, Defense Development 433 Assistance, for economic development programs and the creation of 434 new jobs to leverage and support mission gains at Department of 435 Defense facilities in Ohio by working with future base realignment 436 and closure activities and ongoing Department of Defense 437 efficiency initiatives, assisting efforts to secure Department of 438 Defense support contracts for Ohio companies, assessing and 439 supporting regional job training and workforce development needs 440 generated by the Department of Defense and the Ohio aerospace 441 industry, and for expanding job training and economic development 442 programs in human performance related initiatives. A portion of 443 these funds shall be matched in the aggregate amount of \$5,000,000 444 by either public or private industry partners, educational 445 entities, or federal agencies. 446

Of the foregoing appropriation item 195622, Defense

administer a program established by the Development Services

Agency pursuant to section 122.121 of the Revised Code.

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As reported by the Seriale Agriculture Committee							
Of the foregoing appropriation item 195683, TourismOhio	479						
Administration, \$250,000 in fiscal year 2014 shall be used by Lake							
Erie Heritage Foundation for the promotion of events relating to							
bicentennial celebrations of the War of 1812 and the Battle of	482						
Lake Erie.	483						
Of the foregoing appropriation item 195683, TourismOhio	484						
Administration, \$500,000 in fiscal year 2015 shall be used to	485						
support the 2015 Major League Baseball All-Star Game in	486						
<u>Cincinnati.</u>	487						
VOLUME CAP ADMINISTRATION	488						
The foregoing appropriation item 195654, Volume Cap	489						
Administration, shall be used for expenses related to the	490						
administration of the Volume Cap Program. Revenues received by the	491						
Volume Cap Administration Fund (Fund 6170) shall consist of	492						
application fees, forfeited deposits, and interest earned from the	493						
custodial account held by the Treasurer of State.							
Section 5. That existing Section 257.50 of Am. Sub. H.B. 59	495						
of the 130th General Assembly is hereby repealed.	496						
Section 6. That Section 257.10 of Am. Sub. H.B. 59 of the							
130th General Assembly, as amended by Am. Sub. H.B. 483 of the	497 498						
130th General Assembly, be amended to read as follows:	499						
Sec. 257.10. DEV DEVELOPMENT SERVICES AGENCY	500						
General Revenue Fund	501						
GRF 195402 Coal Research \$ 261,205 \$ 261,405	502						
Operating							
GRF 195405 Minority Business \$ 1,693,691 \$ 1,693,691	503						
Development							
GRF 195407 Travel and Tourism \$ 1,300,000 \$ 0	504						
GRF 195415 Business Development \$ 2,413,387 \$ 2,413,387	505						

A3 IVC	ported by ti	le Senate Agriculture Committee	•			
		Services				
GRF	195426	Redevelopment	\$	1,968,365	\$ 468,365	506
		Assistance				
GRF	195497	CDBG Operating Match	\$	1,015,000	\$ 1,015,000	507
GRF	195501	Appalachian Local	\$	440,000	\$ 440,000	508
		Development Districts				
GRF	195532	Technology Programs	\$	13,547,341	\$ 13,547,341	509
		and Grants				
GRF	195533	Business Assistance	\$	4,205,774	\$ 4,205,774	510
GRF	195535	Appalachia Assistance	\$	3,846,482	\$ 3,846,482	511
GRF	195537	Ohio-Israel	\$	150,000	\$ 150,000	512
		Agricultural				
		Initiative				
GRF	195901	Coal Research &	\$	2,858,900	\$ 4,327,200	513
		Development General				
		Obligation Debt				
		Service				
GRF	195905	Third Frontier	\$	61,911,600	\$ 78,483,000	514
		Research &				
		Development General				
		Obligation Debt				
		Service				
GRF	195912	Job Ready Site	\$	13,198,400	\$ 19,124,500	515
		Development General				
		Obligation Debt				
		Service				
TOTAI	L GRF Ger	neral Revenue Fund	\$	108,810,145	\$ 129,976,145	516
General Services Fund Group					517	
1350	195684	Development Services	\$	10,800,000	\$ 10,800,000	518
		Operations				
4W10	195646	Minority Business	\$	2,500,000	\$ 2,500,000	519
		Enterprise Loan				
5KN0	195640	Local Government	\$	20,730,986	\$ 21,900,000	520

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	Innovation					
5MB0 195623	Business Incentive	\$	15,000,000	\$	0	521
	Grants					
5MK0 195600	Vacant Facilities	\$	1,000,000	\$	1,000,000	522
	Grant					
5W50 195690	Travel and Tourism	\$	150,000	\$	150,000	523
	Cooperative Projects					
6850 195636	Development Services	\$	700,000	\$	700,000	524
	Reimbursable					
	Expenditures					
TOTAL GSF Ger	neral Services Fund					525
Group		\$	50,880,986	\$	37,050,000	526
Federal Spec	ial Revenue Fund Group					527
3080 195602	Appalachian Regional	\$	475,000	\$	475,000	528
	Commission					
3080 195603	Housing Assistance	\$	10,000,000	\$	10,000,000	529
	Programs					
3080 195609	Small Business	\$	5,271,381	\$	5,271,381	530
	Administration Grants					
3080 195618	Energy Grants	\$	9,307,779	\$	4,109,193	531
3080 195670	Home Weatherization	\$	17,000,000	\$	17,000,000	532
	Program					
3080 195671	Brownfield	\$	5,000,000	\$	5,000,000	533
	Redevelopment					
3080 195672	Manufacturing	\$	5,359,305	\$	5,359,305	534
	Extension Partnership					
3080 195675	Procurement Technical	\$	600,000	\$	600,000	535
	Assistance					
3080 195681	SBDC Disability	\$	1,300,000	\$	1,300,000	536
	Consulting					
3350 195610	Energy Programs	\$	200,000	\$	200,000	537
3AE0 195643	Workforce Development	\$	1,800,000	\$	1,800,000	538
	Initiatives					

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3DB0 195642	Federal Stimulus -	\$	38,152	\$	0	539
	Energy Efficiency &					
	Conservation Block					
	Grants					
3FJ0 195626	Small Business	\$	32,046,846	\$	5,655,326	540
	Capital Access and					
	Collateral					
	Enhancement Program					
3FJ0 195661	Technology Targeted	\$	12,750,410	\$	2,250,072	541
	Investment Program					
3K80 195613	Community Development	\$	65,000,000	\$	65,000,000	542
	Block Grant					
3K90 195611	Home Energy	\$	172,000,000	\$	172,000,000	543
	Assistance Block					
	Grant					
3K90 195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	544
3L00 195612	Community Services	\$	27,240,217	\$	27,240,217	545
	Block Grant					
3V10 195601	HOME Program	\$	30,000,000	\$	30,000,000	546
TOTAL FED Federal Special Revenue						547
Fund Group		\$	417,389,090	\$	375,260,494	548
State Special	l Revenue Fund Group					549
4500 195624	Minority Business	\$	74,868	\$ \$	74,905	550
	Bonding Program					
	Administration					
4510 195649	Business Assistance	\$	6,300,800) \$	6,700,800	551
	Programs					
4F20 195639	State Special Projects	\$	102,145	\$	102,104	552
4F20 195699	Utility Community	\$	500,000) \$	500,000	553
	Assistance					
5CG0 195679	Alternative Fuel	\$	750,000) \$	750,000	554
	Transportation					
5HR0 195526	Incumbent Workforce	\$	30,000,000) \$	30,000,000	555

5HR0	195622	Defense Development Assistance	\$	5,000,000	\$	5,000,000	556
5JR0	195635	Redevelopment Program	\$	100,000	\$	100,000	557
		Support					
5KP0	195645	Historic Rehab	\$	650,000	\$	650,000	558
		Operating					
5LU0	195673	Racetrack Facility	\$	12,000,000	\$	0	559
		Community Economic					
		Redevelopment Fund					
5M40	195659	Low Income Energy	\$	350,000,000	\$	350,000,000	560
		Assistance (USF)					
5M50	195660	Advanced Energy Loan	\$	8,000,000	\$	8,000,000	561
		Programs					
5MH0	195644	SiteOhio	\$	100,000	\$	100,000	562
		Administration					
5MJ0	195683	TourismOhio	\$	8,000,000	\$	8,000,000	563
		Administration				8,500,000	
5W60	195691	International Trade	\$	18,000	\$	18,000	564
		Cooperative Projects					
6170	195654	Volume Cap	\$	32,562	\$	32,562	565
		Administration					
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	566
		Income Housing Trust					
		Fund					
TOTAL SSR State Special Revenue						567	
Fund	Group		\$	474,628,375	\$	463,028,371	568
						463,528,371	
Facilities Establishment Fund Group						569	
5S90	195628	Capital Access Loan	\$	3,000,000	\$	3,000,000	570
		Program					
7009	195664	Innovation Ohio	\$	15,000,000	\$	15,000,000	571
7010	195665	Research and	\$	22,000,000	\$	22,000,000	572

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	Development					
7037 195615	Facilities	\$	50,000,000	\$	50,000,000	573
	Establishment					
TOTAL 037 Fac	cilities					574
Establishment	Fund Group	\$	90,000,000	\$	90,000,000	575
Clean Ohio Re	evitalization Fund					576
7003 195663	Clean Ohio Program	\$	950,000	\$	950,000	577
TOTAL 7003 C	lean Ohio	\$	950,000	\$	950,000	578
Revitalizatio	on Fund					
Third Frontie	er Research & Developmen	nt F	und Group			579
7011 195686	Third Frontier	\$	1,149,750	\$	1,149,750	580
	Operating					
7011 195687	Third Frontier	\$	90,850,250	\$	90,850,250	581
	Research &					
	Development Projects					
7014 195620	Third Frontier	\$	1,700,000	\$	1,700,000	582
	Operating - Tax					
7014 195692	Research &	\$	38,300,000	\$	38,300,000	583
	Development Taxable					
	Bond Projects					
TOTAL 011 Third Frontier Research &		\$	132,000,000	\$	132,000,000	584
Development Fund Group						
Job Ready Sit	te Development Fund Gro	цр				585
7012 195688	Job Ready Site	\$	800,000	\$	800,000	586
	Development					
TOTAL 012 Joh	o Ready Site	\$	800,000	\$	800,000	587
Development Fund Group						
Tobacco Master Settlement Agreement Fund Group					588	
M087 195435	Biomedical Research	\$	1,896,595	\$	1,906,025	589
	and Technology					
	Transfer					
TOTAL TSF Tobacco Master Settlement		\$	1,896,595	\$	1,906,025	590

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Agreement Fund Group				
TOTAL ALL BUDGET FUND GROUPS \$ 1,277,355,191 \$ 1,230,971,035	591			
<u>1,231,471,035</u>				
Section 7. That existing Section 257.10 of Am. Sub. H.B. 59	593			
of the 130th General Assembly, as amended by Am. Sub. H.B. 483 of	594			
the 130th General Assembly, is hereby repealed.				